

## REMARKS

Responsive to the Official Action mailed January 12, 2009, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, claims 28, 34-36, 38, and 43 have been amended, claims 29-33, 42, and 48-55 cancelled, and new independent claim 56 submitted herewith. Reconsideration is respectfully requested.

In the Action the Examiner has rejected the pending claims under 35 U.S.C. §102 and §103, with reliance upon U.S. Patent Application No. 2003/0017236, to Makita et al., or alternatively, U.S. Patent No. 6,135,275, to Kelders. However, as set forth in the claims submitted herewith, it is believed that applicants' novel dispensing closure assembly is neither taught nor suggested by these references, and accordingly, the Examiner's rejections are respectfully traversed.

As set forth in the amended claims, applicants' novel dispensing device comprises a closure assembly including an outer lid, and an inner sleeve positioned generally within the outer lid. In accordance with the illustrated embodiment, the outer lid includes a compartment, positioned inwardly of the inner sleeve, with the assembly including an openable seal which initially closes the compartment of the lid.

As discussed in the Specification, this compartment can contain certain additives or the like for dispensing into the associated container at the time of consumption of the container's contents. By way of example, vitamin supplements, which might otherwise be affected by ultraviolet light or the like, are desirably introduced into an associated beverage at the time of consumption.

If it would be helpful, samples of the present closure assembly, and an associated container which have been configured precisely for this application, that is, to introduce vitamins and flavor to a beverage in conjunction with opening of the container and consumption of the beverage, are available.

Notably, the present closure assembly includes a unique arrangement for opening the sealed compartment attendant to removal of the closure assembly from the associated container. In particular, the closure assembly includes a projection arrangement provided generally on an inside surface of the inner sleeve of the assembly. The projection arrangement

includes a support member on the inside surface, and a *movable cutter and engagement portion, hingedly joined to the support member, and movable in unison.*

By this arrangement, initial rotational opening movement of the closure assembly results in relative rotation of the outer lid with respect to the inner sleeve. By such relative rotation, the engagement portion is engageable with a protrusion on the outside surface of the compartment, which engagement results in the engagement portion, and movable cutter, pivotally moving together, such that the cutter engages and cuts the openable seal closing the compartment.

Thus, the present closure assembly includes a unique pivotal cutter device, which is pivotally operated by initial relative movement between the outer lid, and the inner sleeve. Continued relative rotation of the outer lid with respect to the inner sleeve results in the cutter engaging the openable seal generally about the circumference thereof, thus permitting the contents of the compartment to be dispensed into the associated container.

Neither of the cited prior art references teach or suggest such an arrangement, including a *pivotal cutter* in Makita et al., a plug 6 closing a chamber 5 is dislodged from its sealed condition to permit dispensing of the contents of the chamber into the associated container. In the embodiment of Figure 4, a pin member 2d engages the plug 6, such that relative rotation of the movable portion 3 effects opening of the chamber 5. In the embodiment of Figure 5, a connecting member 2e is provided, with the plug 6 being opened by means of tension of the connecting member 2e (see paragraph [0067]). In the embodiment of Figure 6, the plug 6 is opened by the periphery portion 2c, and the connecting member 2e' prevents the plug from dropping into the associated liquid (see paragraph [0069]).

None of the features of the present invention are taught or suggested by this reference, including the provision of an outer closure cap, and an inner sleeve, including a projection arrangement having a pivotal cutter and associated engagement portion, which are pivotally movable in unison.

The Kelders patent is likewise deficient in teaching or suggesting the present invention. In the construction of Kelders, cams 22 are provided for engagement with stops 23, whereby lower closure 4 is removed from lower container 2 to connect the volumes of upper container 1 and lower container 2. Again, there is no teaching or suggestion in this patent of providing a closure assembly including an outer lid and an inner sleeve, and an arrangement including a

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pivotal cutter and engagement portion which are movable in unison for effecting cutting of an openable seal for dispensing contents of the compartment of the assembly into the associated container.

In view of the foregoing, formal allowance of claims 34-41, 43-47, and 56 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 9, 2009.

  
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